



General Assembly

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Amendment

LCO No. 8940

HB0660408940HDO

Offered by:

REP. NARDELLO, 89th Dist.
REP. FONTANA, 87th Dist.
REP. NAFIS, 27th Dist.

REP. GUERRERA, 29th Dist.
REP. BERGER, 73rd Dist.
REP. MAZUREK, 80th Dist.

To: Subst. House Bill No. 6604

File No. 518

Cal. No. 347

"AN ACT CONCERNING PUBLIC ACCESS TELEVISION CHANNELS."

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- 1 In line 5, after "programming" insert "through December 31, 2012,"
- 2 After the last section, add the following and renumber sections and
- 3 internal references accordingly:
- 4 "Sec. 501. (NEW) (*Effective October 1, 2009*) The Department of Public
- 5 Utility Control shall conduct a performance review of each person,
- 6 entity or company holding a certificate of public convenience and
- 7 necessity to provide community antenna television service, a certificate
- 8 of cable franchise authority or a certificate of video franchise authority
- 9 to ensure compliance with the terms and conditions of each such
- 10 certificate, once every five years. The performance review may include,
- 11 but not be limited to, issues concerning customer service, community
- 12 access support, management of outages, service to handicapped and
- 13 low-income customers and cooperation with the department.

14 Performance reviews shall be held every five years for each such
15 certificate and shall include an opportunity for a hearing in accordance
16 with chapter 54 of the general statutes. The department shall have full
17 authority to take administrative notice of all complaints filed and act
18 upon them individually and by class of complaint. The Office of
19 Consumer Counsel and the Attorney General shall be entitled to party
20 status and the community-based nonprofit organization in a franchise
21 area that has been assigned responsibility for community access
22 operations and the applicable advisory council shall be entitled to
23 intervenor status.

24 Sec. 502. (NEW) (*Effective from passage*) Any person, entity or
25 company holding a certificate of public convenience and necessity to
26 provide community antenna television service, a certificate of cable
27 franchise authority or a certificate of video franchise authority shall be
28 responsible for the repair and maintenance of all transmission
29 equipment used to provide public access service within the service
30 area of such person, entity or company holding a certificate of public
31 convenience and necessity to provide community antenna television
32 service, a certificate of cable franchise authority or a certificate of video
33 franchise authority.

34 Sec. 503. Subsection (a) of section 16-1 of the general statutes is
35 amended by adding subdivision (51) as follows (*Effective from passage*):

36 (NEW) (51) "The Connecticut Television Network" means the
37 General Assembly's state-wide twenty-four-hour state public affairs
38 programming service, separate and distinct from community access
39 channels.

40 Sec. 504. Subsection (c) of section 16-331a of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective from*
42 *passage*):

43 (c) If a community-based nonprofit organization in a franchise area
44 desires to assume responsibility for community access operations, it
45 shall [, upon timely petition to the department, be granted intervenor

46 status in a franchise proceeding held pursuant to this section] apply to
47 the department to assume such responsibility, in a manner designed
48 by the department. The department shall assign this responsibility to
49 the most qualified community-based nonprofit organization or the
50 company based on the following criteria: (1) The recommendations of
51 the advisory council and of the municipalities in the franchise area; (2)
52 a review of the organization's or the company's performance in
53 providing community access programming; (3) the operating plan
54 submitted by the organization and the company for providing
55 community access programming; (4) the experience in community
56 access programming of the organization; (5) the organization's and the
57 company's proposed budget, including expenses for salaries,
58 consultants, attorneys, and other professionals; (6) the quality and
59 quantity of the programming to be created, promoted or facilitated by
60 the organization or the company; (7) a review of the organization's
61 procedures to ensure compliance with federal and state law, including
62 the regulations of Connecticut state agencies; and (8) any other criteria
63 determined to be relevant by the department. If the department selects
64 an organization to provide community access operations, the company
65 shall provide financial and technical support to the organization in an
66 amount to be determined by the department. On petition of the Office
67 of Consumer Counsel or the franchise's advisory council or on its own
68 motion, the department shall hold a hearing, with notice, on the ability
69 of the organization to continue its responsibility for community access
70 operations. In its decision following such a hearing, the department
71 may reassign the responsibility for community access operations to
72 another organization or the company in accordance with the
73 provisions of this subsection.

74 Sec. 505. (NEW) (*Effective July 1, 2009*) (a) Not later than sixty days
75 prior to October 1, 2009, and not later than sixty days prior to October
76 first every five years thereafter, any community-based nonprofit
77 organization may petition the Department of Public Utility Control to
78 assume responsibility for community access within a defined service
79 area in which community access is being provided by an organization

80 with an annual operating budget of at least one hundred thousand
81 dollars. Upon receipt of any such petition, the department shall
82 conduct a contested case proceeding to determine whether to assign
83 such responsibility to the community-based nonprofit organization
84 submitting the petition or to any other nonprofit organization or
85 community access television company. The department shall base such
86 determination on the following criteria: (1) The recommendations of
87 the State-wide Community Antenna Television Advisory Council, the
88 applicable local advisory council and of the chief elected officials of the
89 municipalities in the service area, (2) a review of the performance of
90 the organization or company providing community access
91 programming on the date the petition is filed, (3) the operation plan
92 submitted by an organization or a company for providing community
93 access programming, (4) the experience of the organization or
94 company in community access programming, (5) the proposed budget
95 of the organization or company, including expenses for salaries,
96 consultants, attorneys and other professionals, (6) the quality and
97 quantity of the programming to be created, promoted or facilitated by
98 the organization or the company, (7) a review of the organization's or
99 company's procedures to ensure compliance with federal and state
100 law, including the regulations of state agencies, and (8) any other
101 criteria determined to be relevant by the department.

102 (b) Not later than sixty days prior to April 1, 2010, and not later than
103 sixty days prior to April first every five years thereafter, the
104 department may, on its own initiative, review and evaluate the
105 provision of community access programming by the organization or
106 company. The department shall conduct such review or evaluation if
107 the Consumer Counsel petitions the department for such a review
108 during the period commencing October 1, 2009, and ending April 1,
109 2010, and each corresponding period every five years thereafter. Such
110 review shall include consideration of the factors set forth in subsection
111 (a) of this section.

112 (c) If the Department of Public Utility Control reassigns
113 responsibility for community access television in a franchise area

114 consisting of four towns, one of which has a population of not less than
115 one hundred thousand and not more than one hundred fifteen
116 thousand to another community-based nonprofit organization, any
117 other nonprofit organization or a community access television
118 company as a result of a review conducted pursuant to this section,
119 such organization or company shall provide an interview for
120 employment and a two-year no-layoff agreement to any
121 nonmanagement employee of the existing provider of community
122 access television who has been an employee of such provider for at
123 least five years.

124 Sec. 506. (NEW) (*Effective from passage*) (a) Public access television
125 customers shall make any inquiries or complaints regarding public
126 access television to the board of directors of the organization providing
127 such public access television. Inquiries or complaints may involve
128 public access service, public access funding allocation, access to
129 production studios, quality of programming, availability of town-
130 specific programming and other public access television issues. Within
131 ninety days of receiving such inquiry or complaint, the board shall
132 issue a resolution.

133 (b) If any party is unsatisfied with such board's resolution of such
134 inquiry or complaint, such party may bring the party's issue to the
135 local cable access advisory council for mediation.

136 (c) If any party is unsatisfied with the result of such council's
137 mediation, such party may bring the party's issue to the Department of
138 Public Utility Control. The department shall adopt regulations, in
139 accordance with chapter 54 of the general statutes, to set forth the
140 manner in which the department shall handle such issues.

141 (d) Not later than January 1, 2010, each community access provider
142 shall notify residents in its service area regarding contact information
143 for the local cable access advisory council.

144 Sec. 507. Section 16-331d of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective from passage*):

146 (a) The chief elected official from the town in which a vacant seat
147 exists on a community antenna television advisory council shall
148 appoint a member to fill such vacancy if any other appointing
149 authority fails to make an appointment within six months of the time
150 in which a vacancy occurs.

151 (b) No member of a community antenna television advisory council
152 [appointed by the chief elected official of a municipality, the board of
153 education or the public libraries] shall be an employee of a community
154 antenna television company. For the purposes of this subsection, an
155 employee includes any person working full or part time or performing
156 any subcontracting or consulting services for the company.

157 (c) Any member of a community antenna television advisory
158 council, serving a franchise area of seven towns, one of which has a
159 population of no less than twenty thousand and no more than twenty-
160 six thousand with a town meeting form of government, may be an
161 employee of a community access provider. For the purposes of this
162 subsection, an employee includes any person working full or part time
163 or performing any subcontracting or consulting services for the
164 provider.

165 Sec. 508. Section 16-331t of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective from passage*):

167 (a) A company issued a certificate of cable franchise authority shall,
168 twice a year, convene a meeting with the advisory council established
169 pursuant to its previous certificate of public convenience and necessity
170 issued pursuant to section 16-331. Members shall be appointed in
171 accordance with section 16-331d, as amended by this act. No member
172 of the advisory council [shall] may be an employee of a company
173 providing community antenna television service or video service. For
174 the purposes of this subsection, an employee includes any person
175 working full or part time or performing any subcontracting or
176 consulting services for a company providing community antenna
177 television service or video service.

178 (b) A company issued a cable franchise authority certificate shall
179 provide funding to the advisory council in the amount of two
180 thousand dollars per year.

181 (c) Members of the advisory council shall serve without
182 compensation. For the purposes of this section, compensation shall
183 include the receipt of any free or discounted community antenna
184 television service or video service.

185 (d) The Department of Public Utility Control shall designate the
186 advisory council as an intervenor in any contested case proceeding
187 before the department involving the company it advises. Such
188 company shall provide to the chairperson of the advisory council a
189 copy of any report, notice or other document it files with the
190 department in any applicable proceeding.

191 (e) Any company issued a certificate of cable franchise authority
192 shall, every six months, provide on bills, bill inserts or letters to
193 subscribers, a notice indicating the name and address of the
194 chairperson of the advisory council and describing the responsibilities
195 of such advisory council. The advisory council shall have an
196 opportunity to review such notice prior to its distribution.

197 (f) Any member of the advisory council serving a franchise area of
198 seven towns, one of which has a population of no less than twenty
199 thousand residents and no more than twenty-six thousand residents
200 with a town meeting form of government, may be an employee of a
201 community access provider. For the purposes of this subsection, an
202 employee includes any person working full or part time or performing
203 any subcontracting or consulting services for the provider.

204 Sec. 509. Section 16-331h of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective from passage*):

206 (a) Not later than one hundred twenty days after the certified
207 competitive video service provider begins offering service in a
208 designated area pursuant to its certificate of video franchise authority,

209 such provider shall provide capacity over its video service to allow
210 community access programming, in its basic service package, in
211 accordance with the following: (1) The certified competitive video
212 service provider shall provide capacity equal to the number of
213 community access channels currently offered by the incumbent
214 community antenna television company in the given area; (2) the
215 certified competitive video service provider shall provide funds for
216 community access operations, as provided in subsection (k) of section
217 16-331a, as amended by this act; (3) the certified competitive video
218 service provider shall provide the transmission of community access
219 programming with connectivity up to the first two hundred feet from
220 the competitive video service provider's activated wireline video
221 programming distribution facility located in the provider's designated
222 service area and shall not provide additional requirements for the
223 creation of any content; and (4) the community access programming
224 shall be submitted to the certified competitive video service provider
225 in a manner or form that is compatible with the technology or protocol
226 utilized by said competitive video service provider to deliver video
227 services over its particular network, and is capable of being accepted
228 and transmitted by the provider, without requirement for additional
229 alteration or change in the content by the provider.

230 (b) A certified competitive video service provider and a community
231 antenna television company or nonprofit organization providing
232 community access operations shall engage in good faith negotiation
233 regarding interconnection of community access operations where such
234 interconnection is technically feasible or necessary. Interconnection
235 may be accomplished by direct cable, microwave link, satellite or other
236 reasonable method of connection. At the request of a competitive video
237 service provider, community antenna television company or provider
238 of community access operations, the Department of Public Utility
239 Control may facilitate the negotiation for such interconnection.

240 [(c) Not later than one hundred twenty days after the certified
241 competitive video service provider begins offering service in a
242 designated area pursuant to its certificate of video franchise authority,

243 such provider shall provide transmission of the Connecticut Television
244 Network to all its subscribers, including real-time transmission as
245 technically feasible, under the same conditions as set forth in
246 subdivisions (3) and (4) of subsection (a) of this section.]

247 Sec. 510. Section 16-331s of the general statutes is repealed and the
248 following is substituted in lieu thereof (*Effective from passage*):

249 [(a)] A company issued a certificate of cable franchise authority
250 shall be subject to the community access programming and operations
251 provisions set forth in subsections (b) to (i), inclusive, and subsections
252 (k), (l) and (n) of section 16-331a, as amended by this act, and any
253 regulations pursuant thereto, and subsection (c) of section 16-333 and
254 any regulations pursuant thereto.

255 [(b) A company issued a cable franchise authority certificate shall
256 provide transmission of the Connecticut Television Network to all its
257 subscribers, including real-time transmission as technically feasible.]"